

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Disciplinary proceedings against Sri M.Mohan Rao, formerly Additional Public Prosecutor Grade II, Assistant Sessions Judge Court, Rajam, (now retired) – Charges held proved – Imposition of 5% cut in pension permanently – Orders – Issued.

LAW (LA&J-HOME COURTS.A2) DEPARTMENT

G.O.RT.NO. 1425

DATED:22.8.2012.
READ THE FOLLOWING:

1. Government Memo.No.36890/Cts.A2/2004-1, dt.17.02.2005
2. From Sri M.Mohan Rao, Addl.P.P.Gr.II, ASJ Court, Adoni, Kurnool
Written State of defence dt.18.3.2005.
3. G.O.Rt.No.1408, Law (LA&J – Home-Courts-A2) Department,
dt.06.09.2007.
4. Government Memo.No.36890/Cts.A2/2004, dt.10.4.2012.
5. Explanation of Sri M.Mohan Rao dt.19.5.2012.
6. Government letter NO.36890/Cts.A2/2004, dt.31.7.2012.
7. From the Secretary, I/c. A.P.Public Service Commission,
letter No.1562/RT/3/2012, dt.13.8.2012.

ORDER:

Government in the Memo 1st read above, framed the following Article of Charge, against Sri M.Mohan Rao, formerly Additional Public Prosecutor Grade.II, o/o.the Assistant Sessions Court, Adoni, Kurnool subsequently transferred to Assistant Sessions Judge's Court, Rajam, Srikakulam District, (now retired), with a direction to submit a Written Statement of his defence:

"That you, while working as Addl.Public Prosecutor Grade II, Assistant Sessions Court, Adoni, Kurnool District were not attending the Court regularly and due to your absence to the Court work, much inconvenience was caused to the Court and litigant public and on 06.01.2004 at 12.15 P.M. you attended the Court in fully drunken stage and did not conduct the case in S.C.No.207/2002 properly because of your drunken condition and the said act amounts to grave misconduct and thus you have violated Rules 3 & 26 of the A.P.Civil Services (Conduct) Rules, 1964."

2. The charged officer submitted his written statement on 18.3.2005. Since, the explanation submitted was not satisfactory, Government decided to conduct regular enquiry under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. As the Enquiry Officers appointed vide G.O.Rt.No.1993 dt.2.12.2005 and G.O.Rt.No.1493 dt.18.10.2006 were transferred and retired from service respectively in G.O.Rt.No.1408, Law (LA&J-Home-Courts.A1) Department, dt.6.9.2007 Sri B.Raju, Additional Director of Prosecutions had been appointed as the Inquiry Officer to inquire into the charge framed against Sri M.Mohan Rao.

3. The Director of Prosecutions vide letter dated 29.8.2008, forwarded the enquiry report dt.23.8.2008 submitted by Inquiry Officer.

4. The findings of the Inquiry Officer in the report are as follows:-

"On the basis of documentary and oral evidence adduced in the case before me and in view of the reasons given above, I hold that the charge is proved partly against Sri M.Mohan Rao, Additional Public Prosecutor Grade-II with regard to unauthorized absence to the Court by him on 3rd, 4th, 7th, 8th, 21st, 22nd and 31st July, 2003 and caused inconvenience to the Court on the relevant period. The remaining portion of the charge is found to have not been proved against him."

5. Sri M.Mohan Rao has been requested to submit his representation on the Inquiry Officer's Report, vide Government Memo.No.36890/Cts.A1/2004-6 dt.7.2.2009 and the representation dt.25.2.2009 submitted by him has been forwarded by the Director of Prosecutions vide letter No.1553/B1/03 dt.28.5.2009.

6. Government on examination of the representation submitted by Sri M.Mohan Rao, have decided to accept the findings recorded by the Inquiry Officer as true and found the charged officer guilty of the first part of the charge. Accordingly, in the Memo fourth read above, a show cause notice has been served requiring to submit his reply on the proposed action of imposing 5% cut in pension permanently under rule 9 of the A.P. Revised Pension Rules, 1980 and Sri M.Mohan Rao submitted his explanation on 19.5.2012.

7. On further examination, in the light of the explanation submitted by the charged officer it has been decided to confirm the provisional decision already taken to impose 5% cut in pension permanently and the Andhra Pradesh Public Service Commission in the letter 7th read above conveyed their concurrence on the proposal of the Government and advised accordingly.

8. Now, therefore, Government, after taking into consideration the delinquency and the explanation submitted by the charged officer, hereby impose 5% cut in pension permanently under rule 9 of the A.P. Revised Pension Rules, 1980, on Sri M.Mohan Rao, formerly Additional Public Prosecutor Grade II, Assistant Sessions Judge's Court, Rajam (now retired).

9. Government also further order that the unauthorized absence of the charged officer for seven days i.e. 3rd, 4th, 7th, 8th, 21st, 22nd and 31st July, 2003 shall be treated as not on duty and the suspension period from 6.2.2004 to March, 2007 shall be treated as such without any further emoluments other than those already paid to the charged officer and however the period shall be counted for pension purposes.

10. The Director of Prosecutions, A.P., Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.SHANKAR NARAYANA
SECRETARY TO GOVERNMENT
LEGISLATIVE AFFAIRS & JUSTICE

To
The individual through the Director of Prosecutions, A.P., Hyderabad.
The Director of Prosecutions, A.P., Hyderabad.
Copy to: The Secretary, I/c.Andhra Pradesh Public Service Commission,
Hyderabad(w.r.to their letter NO.1562/RT/3/2012, dated 13.8.2012).
Copy to: The Accountant General, A.P., Hyderabad.
Copy to: P.S. to Secretary (LA&J).
Copy to: sf/sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER